IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.280 OF 2005
IN
WRIT PETITION NO.1406 OF 2004

Shri.M.U.Joshi .. Petitioner
V/s
The Tax Recovery Officer & Ors. .. Respondents.

Ms.Asifa Khan for the Petitioner.
Dr.P.Daniesl for the Respondents.

CORAM: S.RADHAKRISHNAN &
A.S.AGUIAR, JJ.

DATE : 17.06.2005.

P.C.:

1. Heard the learned Counsel for the parties. By this Notice of Motion the Petitioner is seeking to recall the order dated 20th July, 2004 whereby the Writ Petition No.1406 of 2004 was dismissed in default. The learned Counsel for the Petitioner has pointed out that in fact on 20th July, 2004, the matter which was listed on board at Serial No.4 was Writ Petition No.1406 of 2003 (Sarabai Saifuddin Hathyari V.s Mun.Corporation of Gr.Bombay). However, it appears that the office possibly must have produced the proceedings of Writ Petition No.1406 of 2004 before the Court, instead of producing the proceedings in Writ Petition No.1406 of 2003. There is no dispute that on 20th July, 2004 the present Writ Petition No.1406 of 2004 was not listed on Board. Obviously neither the Petitioner nor his Advocate could have known that the matter is taken up for admissin on that date.

2. Under the aforesaid facts and circumstances, sufficient cause is made out for recalling the order dated 20th July, 2004 whereby the Writ Petition No.1406 of 2004 was dismissed in default. Hence, Notice of Motion is made absolute in terms of prayer clause (a).

3. Place the Writ Petition No.1406 of 2004 on board for admission on 27.6.2005.

(S.RADHAKRISHNAN J.)

(A.S.AGUIAR,J.)